

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1-18 are pending in the present application, with claims 1, 3, and 5 being independent. Claims 13-18 have been added by this amendment, which do not add any new subject matter.

Claim Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1-6 under 35 U.S.C. 102(a) as being anticipated by Horii (US 5,850,463). This rejection is respectfully traversed insofar as it pertains to the presently pending claims.

For the purposes of this response, Applicant believes that claims 8, 10, and 12 were also rejected under 35 U.S.C. 102(a) on the basis of the Examiner's statement on page 4 of the Office Action. If, however, claims 8, 10, and 12 should have been considered allowable, then Applicant respectfully requests that the Examiner clearly indicate such in any future Office Action.

Independent claims 1, 3, and 5 are generally directed to a method, apparatus, and recording medium that obtains a layout image signal representing a layout image, in which a plurality of person images are laid out, from a plurality of original image signals. Each of the original image signals represent a person image, in

which a face pattern of a person is embedded. First, a face candidate region is detected from each of the original image signals, the face candidate region representing a position and/or a size of the face pattern of the person in the person image represented by each original image signal. Then, a pattern matching process is performed for each face pattern that is represented by the detected face candidate region to calculate an amount of displacement and/or size difference thereof from a normalized value. Next, a face pattern normalizing process is performed on each of the original image signals based on the detected face candidate region and the calculated amount of displacement and/or size difference. A plurality of normalized image signals are thus obtained from the face pattern normalizing process. Thereafter, a plurality of images, which are represented by the normalized image signals, are laid out in a predetermined layout, whereby the layout image signal representing the thus formed layout image is obtained.

Horii is directed at a method and apparatus for merging plural facial images by continuously varying the shape interpolation ratio to prevent the positions of facial features from shifting.

In rejecting independent claims 1, 3, and 5, the Examiner alleges that Horii teaches all of the features of the independent claims. Applicant, however, respectfully submits that Horii fails to teach or suggest at least that: (1) a plurality of images (that

are represented by the normalized image signals) are laid out in a predetermined layout; or (2) a face pattern normalizing process is performed on each of the original image signals based on the detected face candidate region and the calculated amount of displacement/and or size difference.

First, Horii teaches that two facial images G1 and G2 are combined into a third background facial image G3 to synthesize a facial image. In other words, three facial images are combined to create one facial image, see either col. 3, lines 39-41, or col. 6, lines 10-13. Thus, Horii does not even remotely suggest that a plurality of person images are laid out from a plurality of original image signals.

Second, Horii does not teach that a face pattern normalizing process is performed on each of the original image signals so that a plurality of normalized image signals are obtained. The Examiner alleges that Horii teaches this feature by stating on page 3 of the Office Action that "shape interpolation processor 1 uses the pattern matching information to normalize G1 and G2 so that they correspond to G3." The Examiner, however, failed to identify that Horii does not normalize a plurality of images to obtain a plurality of normalized image signals.

Horii appears to teach that that the images G1 and G2 are synthesized so that the eyes or mouth of the images in G1 and G2

are in the same position as the eyes or mouth of the image G3. Thereafter, the shapes of the faces of G1 and G2 are interpolated based on an interpolation ratio, see col. 6, lines 34-40, and col. 11, lines 5-11. Horii, however, does not obtain a plurality of normalized image signals from each of the original image signals being normalized, as recited in the claims, because, as stated above, only one synthesized facial image is obtained from the merging of G1, G2, and G3.

In view of the above discussion, it should now be clear that Horii does not anticipate at least the independent claims of the present application.

Dependent claims 2, 4, 8, 10, and 12 should be considered allowable at least for depending from an allowable base claim.

Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

The Examiner rejected claims 7, 9, and 11 under 35 U.S.C. §103(a) as being unpatentable over Horii in vie of Sobottka et al. ("Segmentation and Tracking of Faces in Color Images"). This rejection is respectfully traversed.

Claims 7, 9, and 11, and new claims 13-18 should be considered allowable at least for depending from an allowable base claim.

Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

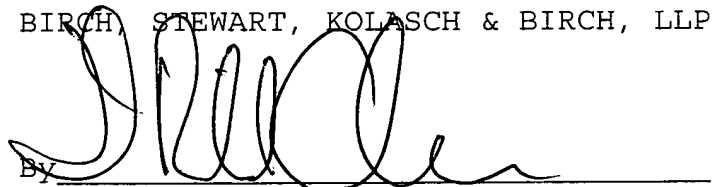
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Martin R. Geissler (Reg. No. 51,011) at the telephone number below, which is located in the Washington, DC area.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a three (3) month extension of time for filing a response in connection with the present application and the required fee of \$1,020.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

A handwritten signature in black ink, appearing to read 'D. Richard Anderson', is written over a horizontal line.

By D. Richard Anderson, #40,439

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